

EXHIBIT J

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Civil Case NO. 17-CV-02393

5 -----X
6 CIERA WASHINGTON,

7 Plaintiff,

8 -against-

9 WALGREENS; WALGREENS CO.; DUANE READE; DUANE
10 READE INC.; DUANE READE INTERNATIONAL, LLC;
11 and Individually and Jointly; LUIS GUERRERO;
12 GERMAINE ALLEN; VIVIAN GHOBRIAL; and CRYSTAL
13 BECKRUM,

14 Defendants.
15 -----X

16 1250 Broadway
17 New York, New York

18 February 14, 2018
19 10:04 a.m.

20 PORTIONS CONFIDENTIAL
21 ATTORNEYS' EYES ONLY

22 EXAMINATION BEFORE TRIAL of DEFENDANT,
23 GERMAINE ALLEN, by the Plaintiff in the
24 above-entitled action, held at the above time
25 and place, taken before JENNIFER CRUZ, a
Professional Shorthand Reporter and Notary
Public of the State of New York, pursuant to
Notice and stipulations between Counsel.

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2 MR. WARSHAW: Objection to form.

3 A. Maybe on the complaint.

4 Q. Okay. So in the complaint you

5 remember reviewing information related to

6 that?

7 MR. WARSHAW: Objection to form.

8 A. I don't remember exact wording,

9 but...

10 Q. But?

11 A. That's the only information. It was

12 a long time ago I read it, so I don't

13 remember exact wording.

14 Q. Okay. And the harassment charge

15 that plaintiff is making, do you recall

16 receiving any information of any kind,

17 whether it's the complaint, anything, related

18 to plaintiff's charges of harassment?

19 MR. WARSHAW: Objection to form.

20 A. No.

21 Q. You don't, at all?

22 A. No.

23 Q. Okay, moving on.

24 You said you never participated in a

25 deposition before?

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2 A. Yes.

3 Q. And that's correct?

4 A. Yes.

5 Q. Have you ever -- strike that.

6 Are you a current employee of

7 defendants?

8 A. No.

9 Q. When did your employment with

10 defendants end?

11 A. June 2016.

12 Q. June 2016?

13 A. Yes.

14 Q. Do you know about when in June 2016?

15 A. I don't remember the exact date.

16 Q. Was it mid June?

17 A. No, early June.

18 Q. Early June?

19 A. Mm-hum.

20 MR. WARSHAW: Yes?

21 THE WITNESS: Yes.

22 Q. Early June being before June 15th?

23 A. Yes.

24 Q. Okay. And how did -- what were the

25 circumstances surrounding -- let me be even

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2 clearer.

3 Were you fired?

4 A. Yes.

5 Q. Defendants fired you in early

6 June 2016?

7 A. Yes.

8 Q. And what were the circumstances

9 surrounding your firing?

10 A. Lack of work.

11 Q. That's what they claimed?

12 A. Yes.

13 Q. Any other circumstances?

14 A. No.

15 Q. How did you come to learn you were

16 fired?

17 A. They call me to the office.

18 Q. Who called you in the office?

19 A. The loss prevention manager and the

20 district manager.

21 Q. Loss prevention manager's name?

22 A. Don't remember his exact name.

23 Q. But it's a he?

24 A. Yes, a he.

25 Q. Okay. Could it have been David

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2 Jenny?

3 A. Yes, that's him, David Jenny.

4 Q. David Jenny?

5 A. Mm-hum.

6 MR. WARSHAW: Yes?

7 THE WITNESS: Yes.

8 Q. Okay. And how about the district

9 manager?

10 A. Robert, but don't remember the last

11 name.

12 Q. Patchiarchi (phonetic), something

13 like that?

14 A. Yes, something like that.

15 Q. Okay. I just ask the court reporter

16 to put a line next to the -- for you to

17 insert Robert's last name when you learn of

18 the spelling.

19 Okay?

20 A. Yeah.

21 (INSERT):_____.

22 Q. And anyone else notify you that you

23 were fired?

24 A. No, that's it.

25 Q. Okay. How did they call you to come

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 2 someone treats someone badly in retaliation
 3 for a complaint?
 4 MR. WARSHAW: Objection to form.
 5 A. Yes.
 6 Q. Okay. Is that your understanding,
 7 in sum and substance, of the term
 8 retaliation?
 9 A. Yes.
 10 Q. Okay. Now, if I represent to you
 11 that retaliation is retaliating against -- or
 12 doing something negative to someone in
 13 retaliation against a complaint, I'm meaning
 14 in retaliation against a complaint of
 15 unlawful activity like discrimination,
 16 unlawful discrimination, unlawful harassment;
 17 do you understand that?
 18 A. Yes.
 19 Q. Okay. So when I speak of
 20 retaliation, that is the meaning.
 21 Do you understand that?
 22 MR. WARSHAW: Objection to form.
 23 A. Yes.
 24 Q. That we can agree on; correct?
 25 A. Yes.

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 2 Q. That is your understanding of
 3 retaliation?
 4 A. Yes.
 5 MR. WARSHAW: Objection to form.
 6 Q. Now, when we discussed retaliation
 7 at any time previously from the beginning of
 8 your deposition to right now, was that your
 9 understanding of retaliation?
 10 MR. WARSHAW: Objection to form.
 11 A. No.
 12 Q. Was your understanding of -- what
 13 was your understanding of retaliation when
 14 you answered questions at any point from the
 15 beginning of the deposition until now?
 16 MR. WARSHAW: Objection to form.
 17 Q. Was it that someone is treated
 18 negatively in retaliation against a
 19 complaint?
 20 A. Yes.
 21 Q. Okay. So you answered questions
 22 previously from the beginning of the
 23 deposition until now with the understanding
 24 of retaliation that you just stated; correct?
 25 A. Yes.

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 2 Q. Okay. And how about harassment,
 3 what's your understanding of the term
 4 harassment, or harass or a similar
 5 derivation?
 6 A. Like when somebody keep on harassing
 7 you about something.
 8 Q. Okay.
 9 A. Yeah.
 10 Q. Harassing means treating negatively
 11 in any way?
 12 MR. WARSHAW: Objection to form.
 13 A. That I don't know.
 14 Q. Calling you bad names, doing
 15 negative behaviors.
 16 Harassment, you understand, can mean
 17 verbal, physical, activities, firing -- well,
 18 it's treating someone negatively, harassing;
 19 is that correct?
 20 MR. WARSHAW: Objection to form.
 21 A. Yes.
 22 Q. Okay. When we were talking about
 23 harassment or harass or other terms, other
 24 derivations of that word, was that your
 25 understanding of it?

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 2 A. Yes.
 3 Q. Okay. And so going forward, let
 4 that continue to be your understanding; yes?
 5 A. Yes.
 6 Q. Okay. So again, has anyone ever
 7 accused you -- strike that.
 8 Have you ever been involved in any
 9 claims of discrimination?
 10 A. No.
 11 Q. Including this one?
 12 A. No.
 13 Q. You're aware that plaintiff is
 14 claiming that you were involved in her
 15 discrimination; right?
 16 A. Yes.
 17 Q. Okay. So other than plaintiff, has
 18 anyone else ever claimed that you were
 19 involved with discrimination?
 20 A. No.
 21 Q. Okay. How about harassment, you're
 22 aware that plaintiff is claiming you harassed
 23 her; right?
 24 A. Yes.
 25 Q. And you're aware that plaintiff is

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2 alleging that you were involved with

3 harassment that occurred against her; right?

4 A. Yes.

5 Q. Okay. Has anyone other than

6 plaintiff ever alleged that you were involved

7 in any harassment against them?

8 A. No.

9 Q. How about retaliation?

10 You are aware that plaintiff is

11 charging that you were involved in

12 retaliation against her; correct?

13 A. Yes.

14 Q. Okay. Has anyone ever accused you,

15 other than plaintiff, of being involved in

16 retaliation against them?

17 A. No.

18 Q. Okay. Have you ever alleged that

19 you were discriminated against at work?

20 A. No.

21 Q. Have you ever alleged that someone

22 at work harassed you?

23 A. No.

24 Q. Have you ever alleged -- when I say

25 "alleged," I mean generally, have you ever

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2 claimed that someone retaliated against you

3 at work?

4 A. No.

5 Q. Okay. Have you ever heard, while

6 you were an employee of defendants, anyone

7 claiming that any of the defendants ever

8 discriminated against them?

9 A. No.

10 Q. How about the same question with

11 respect to harassment?

12 A. No.

13 Q. And with respect to retaliation, are

14 you aware of any claims that someone alleges

15 that any of the defendants retaliated against

16 them?

17 A. No.

18 Q. Okay. So that means you have no

19 awareness of any of that?

20 A. No.

21 Q. Correct?

22 A. Correct.

23 Q. Okay. I just want to make sure it

24 reads in a way that you mean it to read on

25 the transcript.

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2 When defendants fired you, do you

3 believe that they were treating you fairly?

4 A. I don't know.

5 Q. How do you feel about it, being

6 fired by defendants?

7 MR. WARSHAW: Objection to form.

8 A. I don't know.

9 Q. You don't know how you feel?

10 MR. WARSHAW: Objection to form.

11 A. At that time I don't remember how I

12 feel.

13 Q. Were you happy at the time when you

14 were fired?

15 MR. WARSHAW: Objection to form.

16 A. No.

17 Q. Okay. So you remember being unhappy

18 at the time when defendants fired you;

19 correct?

20 MR. WARSHAW: Objection to form.

21 A. Yes.

22 Q. Okay.

23 MS. MORRISON: What's the grounds

24 of your objection?

25 MR. WARSHAW: It's been asked and

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2 answered, but he answered it again.

3 MS. MORRISON: Okay.

4 Q. Why were you unhappy at the time

5 when defendants fired you?

6 A. I don't know.

7 Q. You don't remember why you were

8 unhappy about being fired?

9 A. No.

10 Q. Okay. How do you feel about

11 defendants firing you now?

12 In other words, currently as you're

13 sitting here in the deposition, what are your

14 feelings, if any, with respect to defendants

15 firing you?

16 A. I don't know.

17 Q. You don't know how you feel

18 currently about being fired?

19 A. No.

20 Q. Okay. Are you happy currently that

21 you were fired by defendants?

22 A. I don't know.

23 Q. You don't know if you're happy?

24 A. No.

25 Q. Okay. Do you have any issues, as